



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

1990

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Christopher C. Gilmore
P.O. Box 5360
Beaumont, Texas 77726-0360

Dear Mr. Gilmore:

Thank you for your letter of March 20, 1990, in which you requested information on closure requirements for abandoned underground storage tanks (USTS).

Let me begin by providing some background on the Federal regulations for USTs. In 1984, Congress responded to the increasing threat to ground water from leaking USTs by adding subtitle I to the Resource Conservation and Recovery Act. This section of the law required the Environmental protection Agency (EPA) to develop a comprehensive regulatory program for USTs. Congress directed us to publish regulations that would require tank owners and operators to prevent and detect leaks from new tanks and tanks already in the ground, to clean up leaks from these tanks, and to show that they are financially capable of cleaning up any leaks that could occur and compensating third parties for any damages resulting from such leaks. For your information, we have enclosed copies of two brochures ("Musts for USTs" and "Dollars and Sense") that summarize the regulations in "plain English."

Your letter does not indicate when the USTs in question were closed or abandoned, and this date determines which of the following actions are appropriate. Tanks closed or abandoned after the effective date of the UST regulations (December 22, 1988) need to meet the Federal closure requirements described in the enclosed "Musts for USTs." However, State requirements can be more stringent than Federal requirements. Although site assessment is one of the Federal requirements, EPA does not directly conduct these inspections. For information on specific closure requirements and procedures in your state, you should contact Jackie Hardee, UST coordinator for the Texas Water commission, at (512) 463-8180. For information on proper tank closure procedures, you may want to consult "Tank Closure Without Tears" (see the second page of the enclosed publications list for ordering instructions).

Tanks closed or abandoned before the effective date of the UST regulations (December 22, 1988) need to meet Federal closure requirements only if the State implementing agency decides this action is necessary. State environmental regulators can require owners of these USTs to investigate their UST sites for contamination caused by leaking USTs and to close their USTs permanently in accordance with applicable State and Federal requirements for tank closure (as described in the enclosed "Musts for USTs")

The Agency has given this discretionary authority to local implementing agencies because these agencies are in the best position to identify abandoned tanks that may have been improperly closed, and to gauge the nature and extent of the threat posed by those tanks. They are also better able to identify the responsible owners and define the appropriate site assessment techniques. Thus, the Federal UST regulations require owners and operators of abandoned tanks to comply with the closure provisions if so directed by the implementing agency when it determines there is a reasonable probability that the tank poses a potential threat to human health and the environment.

You should note, however, that if at any point before permanent closure the USTs in question should ever be reactivated, the State environmental agency would have to be notified and the USTS would need to meet all the requirements for active USTs (as described in the enclosed brochures).

I hope that the information we have provided will be helpful to you. Please do not hesitate to contact me if I can be of any additional assistance.

sincerely,

Ronald Brand, Director
Office of Underground Storage Tanks

Enclosures